

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Local Government Act
(Auckland Transitional Provisions) Act
2010 ("LGATPA") and the Resource
Management Act 1991 ("RMA")

AND of an appeal under section 156(1) of
the LGATPA

BETWEEN FRIENDS OF CHURCHILL PARK

(ENV-2016-AKL-00231)

Appellant

AND AUCKLAND COUNCIL

Respondent

Principal Environment Judge L J Newhook sitting alone under s 279 of the RMA

In CHAMBERS at Auckland

CONSENT ORDER

[A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to the amendments set out in this order;
- (2) the appeal is otherwise dismissed.

[B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

- [1] This appeal relates to the Proposed Auckland Unitary Plan. The appellants appealed the part of the Council's decision that rejected the Panel recommendation on the activity status for buildings and the associated standards in the Open Space zones as they related to Churchill Park, Glendowie. Specifically, the appellants appealed the Council's alternative solution to:
- (a) Amend H7.9.1 Activity Table – Open Space zones to provide for new buildings as a permitted activity, rather than the discretionary activity status recommended by the Panel; and
 - (b) Amend standard H7.11.5 – Gross floor area threshold to provide a 100m² threshold in the Informal Recreation zone, rather than the 50m² threshold recommended by the Panel.
- [2] The appeal is limited to the above provisions as they relate to the Open Space – Informal Recreation zone at Churchill Park and does not relate to other Open Space zoned land.
- [3] Following Court-assisted mediation the parties have reached an agreement that will resolve this appeal.
- [4] In making this order the Court has read and considered the appeal and the joint memorandum of counsel in support of this draft consent order dated 9 February 2017.
- [5] Keith Vernon joined this appeal under s 274 of the RMA, and has signed the memorandum of the parties setting out the relief sought to resolve this appeal.
- [6] The Court is making this order under s 279(1)(b) of the RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s of the RMA.
- [7] The Court understands for present purposes that:
- (a) All parties to the proceeding have executed the memorandum requesting this order; and



- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements of the RMA, including in particular Part 2.

Order

[8] Under s 279 of the RMA, the Court orders, by consent, the following amendments to the activity status for buildings and the associated standards in the Open Space zones as they relate to the Open Space – Informal Recreation zone at Churchill Park:

- (a) That H7.9.1 Activity Table – Open Space Zones be amended as follows (with subsequent renumbering of other activities in the Activity Table).

Activity	Activity Status					
	Conservation Zone	Informal Recreation Zone	Sport and Active Recreation Zone	Civic Spaces Zone	Community Zone	
Development						
(A38)	<u>New buildings within Churchill Park that comply with the standards</u>	<u>NA</u>	<u>D</u>	<u>P</u>	<u>NA</u>	<u>P</u>

- (b) That standard H7.11.5. Gross floor area threshold be amended as follows.

H7.11.5 Gross floor area threshold

Purpose: To limit the size of buildings within open spaces to retain their open space character and to maintain a reasonable standard of amenity for adjoining sites.

- (1) The gross floor area of individual buildings, including any external additions or alterations, must not be more than the following:

- (a) Open Space – Conservation Zone: 50m²;
- (b) Open Space – Informal Recreation Zone: 100m²; (or 50m² within Churchill Park only);
- (c) Open Space – Sports and Active Recreation Zone: 150m²;
- (d) Open Space – Civic Spaces Zone: 50m²; and
- (e) Open Space – Community Zone: 300m².



[9] The appeal by Friends of Churchill Park is now resolved.

[10] There is no order as to costs.

DATED at Auckland this 13th day of February 2017.



A handwritten signature in black ink, appearing to read "L. J. Newhook".

L. J. Newhook
Principal Environment Judge